

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5405 PCB JUAS 11-10 Trust Funds of the State Courts System

SPONSOR(S): Justice Appropriations Subcommittee, Glorioso

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee	14 Y, 0 N	Toms	Jones Darity
1) Appropriations Committee	21 Y, 0 N	Toms	Leznoff

SUMMARY ANALYSIS

The bill conforms to the House of Representatives proposed Fiscal Year 2011-12 General Appropriations Act. The bill redirects moneys generated from filing fees from the state courts' Mediation and Arbitration Trust Fund and the Court Education Trust Fund to the State Courts Revenue Trust Fund. Currently, the State Courts Revenue Trust Fund has a projected deficit of \$72.3 million for Fiscal Year 2010-11. The redirection of revenues from the Mediation and Arbitration Trust Fund and the Court Education Trust Fund will help offset the projected deficit.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Currently, the monies credited to the state courts' Court Education Trust Fund are used to provide education and training for judges and other court personnel as defined and determined by the Florida Court Educational Council. The moneys credited to the trust fund include fees from trial and appellate proceedings¹, service charges and filing fees in probate matters², and filing fees from any civil action, suit, or proceeding in county court³.

The state courts' Mediation and Arbitration Trust fund is used to provide mediation and arbitration services to all parties regardless of financial status.⁴ The moneys include filing fees for trial and appellate proceedings⁵, filing fees from any civil action, suit, or proceeding in county court⁶, clerk of district court filing fees⁷, and a filing fee of \$1 on all proceedings in the circuit or county courts⁸.

The bill redirects all funding currently being directed into the Court Education Trust Fund and the Mediation and Arbitration Trust Fund into the State Courts Revenue Trust Fund. The State Courts Revenue Trust Fund has a projected deficit of \$72.3 million for Fiscal Year 2010-11. The redirection of revenues from the Mediation and Arbitration Trust Fund and the Court Education Trust Fund will help offset this projected deficit. The moneys credited to the State Courts Revenue Trust Fund are used for the purpose of funding the activities of the state courts system.⁹ The State Courts Revenue Trust Fund may fund mediation and arbitration services, and education and training for judges and other court personnel as determined by the Florida Court Educational Council.

B. SECTION DIRECTORY:

Section 1. Amends section 25.384, Florida Statutes, relating to the Court Education Trust fund.

Section 2. Amends subsection (3) of section 28.2401, Florida Statutes, relating to service charges and filing fees in probate matters.

Section 3. Amends paragraph (a) of subsection (1) of section 28.241, Florida Statutes, relating to filing fees for trial and appellate proceedings.

Section 4. Amends paragraph (b) of subsection (1) of section 34.041, Florida Statutes, relating to filing fees.

Section 5. Amends subsection (7) of section 35.22, Florida Statutes, relating to the Clerk of the district court, appointment, compensation, assistants, filing fees, and teleconferencing.

Section 6. Amends section 44.108, Florida Statutes, relating to funding of mediation and arbitration.

Section 7. Provides an effective date, July 1, 2011.

¹ 28.241, Florida Statutes

² 28.2401, Florida Statutes

³ 34.041, Florida Statutes

⁴ 44.108(1), Florida Statutes

⁵ 28.241, Florida Statutes

⁶ 34.041, Florida Statutes

⁷ 35.22(7), Florida Statutes

⁸ 44.108, Florida Statutes

⁹ 29.22(1), Florida Statutes

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The moneys generated from fees assessed pursuant to ss. 28.241(1), 28.2401(3), 34.041(1)(b), 35.22(7), and 44.108 will be redirected into the State Courts Revenue Trust Fund. The redirection will help offset the projected deficit of the State Courts Revenue Trust Fund for Fiscal Year 2010-11. The fees assessed pursuant to ss. 28.241(1), 28.2401(3), 34.041(1)(b), 35.22(7), and 44.108 will not be increased or decreased by this legislative proposal.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This is a redirect of funds; there will be no added cost to the state, local governments, or the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 23, 2011, the Justice Appropriations Subcommittee adopted an amendment to the bill and reported the bill favorably. The amendment adds a section to the bill which deletes the funding sources for the state courts' Education Trust Fund and makes other technical adjustments.

This analysis is drafted to the bill as amended.